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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,561	01/14/2004	Alexander G. Dickinson	LUX-P017	5977

7590 10/31/2005
Fernandez & Associates, LLP
PO Box D
Menlo Park, CA 94026-6402

EXAMINER

HEALY, BRIAN

ART UNIT	PAPER NUMBER
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2883

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,561

Applicant(s)

DICKINSON ET AL.

Examiner

Brian M. Healy

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-144 is/are pending in the application.
- 4a) Of the above claim(s) 42-103 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23, 26, 27, 36-41, 104-125, 128, 129 and 138-144 is/are rejected.
- 7) ☒ Claim(s) 24, 25, 28-35, 126, 127 and 130-137 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I, claims 1-41 and 104-144 in the reply filed on 10/03/2005 is acknowledged. The claims of Group II, claims 42-103 is withdrawn from consideration as being drawn to a non-elected invention.

Allowable Subject Matter

Claims 24-25, 28-35, 126-127 and 130-137 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The listed claims include features not shown or taught by either Agahi et. al., U.S.P. 5,559,912 (discussed below) or any of the prior art of record. These features include having the electrical circuit portion (as is stated in claims 1 and 104) with the additional features of having the electronic circuit portions includes, programmable arrays, memory modules, CMOS circuits, and re-configurable or self reconfigurable memory modules or memory controllers. (see the listed claims for more specific details).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-23,26,27,36-41,104-125,128,129, and 138-144 are rejected under 35 U.S.C. 102(b) as being anticipated by Agahi et. al., U.S.P. No. 5,559,912.

Agahi et. al. 912' teaches (Figs.1-5) an integrated photonic-electronic circuit device or wavelength processor comprising: an electronic circuit portion including plural light detectors/wavelength filters (Note that the detectors can be used for wavelength filtering, multiplexing (add/drop) , broadband or narrowband coupling and can be either used with analog , RF or digital signals) 400 comprising at least one group IV semiconductor layer (silicon, germanium,) and a photonic interface integrated optical waveguide coupler 106,104 (Note that at least one waveguide can be an optical fiber 300,302) wherein the photonic interface can include SiO₂ (silica) which can be at least partially transparent to light and have a bandgap energy less than that of silicon wherein all the components are formed on a silicon or SOI substrate 100 and form an integrated "chip" device. The use of laser/LED light sources or transmitters is inherent to the device of Agahi et. al. even though this feature is not expressly shown. The teachings of Agahi et. al. 912' clearly, fully meets Applicant's claimed limitations.

The following references are also cited as being pertinent prior art: Mazotti, U.S. Patent Application US 2003/0026556A1 (Figs.1-11), Beausoleil et. al., U.S. Patent Application Publication No. US 2005/0078902 A1 (Figs.1-9), Newberg et. al., U.S.P. No. 5,353,033 (Figs.1-2) and Lorenzo et. al., U.S.P. No. 5,163,118 (Figs.1-6C).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. Healy whose telephone number is (571)272-

Art Unit: 2883

2347. The examiner can normally be reached on Compressed schedule Tues.-Thurs., 7AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571)272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian M. Healy
Primary Examiner
Art Unit 2883



Brian Healy
Primary Examiner